

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Gene Gould and
Michael J. Conrad

Serial No.: 10/039,769

Filed: December 31, 2001

For: SCANNING SPECTROPHOTOMETER
FOR HIGH THROUGHPUT FLUORESCENCE
DETECTION AND FLUORESCENCE
POLARIZATION



) Confirmation No.: 9179
)
) Group Art Unit: Unknown
)
) Examiner: Unknown
)
)
)
)

DECLARATION OF VICTOR J. CASTELLUCCI

IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(a)

Box MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Victor J. Castellucci, declare as follows:

1. I am the attorney of record for U.S. Application Serial No. 10/039,769 filed December 31, 2001 entitled "Scanning

CERTIFICATE OF MAILING BY EXPRESS MAIL
Under 37 C.F.R. § 1.10

I hereby certify under 37 C.F.R. § 1.10 that this Response and corresponding transmittal documents are being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to Box Missing Parts, the Commissioner for Patents, Washington, D.C. 20231

Dated: 4-15-02

Kim A. Cabello

Signature

Kim A. CABELLO
Type Name

EV 092 576 508 US
Express Mail Label No.

Spectrophotometer For High Throughput Fluorescence Detection and
Fluorescence Polarization."

2. On March 8, 2002, I caused a replacement set of application documents including specification, claims and drawings, as well as a Combined Declaration and Power of Attorney and Assignment to be sent to Gene Gould at his last known address in Carlsbad, California by Federal Express (Tracking No. 7903 3734 0185)(copy of Federal Express Airbill attached to Petition as Exhibit C). Included with these documents was a prepaid Federal Express Label addressed to the undersigned, Applicant's attorneys.

3. A copy of the March 8, 2002 letter to Dr. Gould is attached as Exhibit B to the Petition submitted herewith.

4. The Federal Express package was returned to sender on March 13, 2002, with a notation made by the Federal Express delivery driver that "recipient not at this address."

5. Dr. Gould is no longer employed at Chromagen; Dr. Gould left no forwarding address information, and his current whereabouts are unknown. Attempts by Chromagen personnel to contact Dr. Gould have been unsuccessful.

6. Despite our efforts to have Dr. Gould execute the documents for this application, including the Combined Declaration and Power of Attorney, we have been unable to obtain his signature.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false

statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements made jeopardize the validity of the application or any patents issued thereon.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 15th day of April, 2002.

Victor J. Castellucci Reg. No. 43,535
Victor J. Castellucci